

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Danny Eugene Downing**
Docket No. **276016**
L.C. No. **02-000402 FC**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because a review of the prisoner account statement shows the ability to pay. Appellant shall pay to the Clerk of the Court, within 21 days of the certification of this order, the reduced entry fee in the sum of \$39.00. Failure to pay the fee will result in the dismissal of the appeal.

The motion for miscellaneous relief is DENIED. Appellant within 21 days of the certification of this order shall file 5 copies of a conforming application limited to 50 pages that includes only those issues in the motion for relief from judgment that was denied on February 22, 2007. The motions that were filed after February 22, 2006, were successive motions for relief from judgment regardless of the titles placed on them. MCR 6.502(G)(1) would become meaningless if a defendant could amend a motion for relief from judgment that had already been decided. This Court has a separate interest to insure that only issues that can properly be raised in this Court are the issues raised. Failure to file the proper application will result in the dismissal of this entire appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 13 2007

Date

Sandra Schultz Mengel
Chief Clerk